

# EXHIBIT 6



**DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF RESOLUTION MANAGEMENT  
Bay Pines, Florida 33744**

**EEO COUNSELOR'S REPORT – Thomas E. Allen  
Case No. 200I-0619-2004102917**

<b>NAME, ADDRESS AND TELEPHONE NUMBER OF AGGRIEVED PARTY</b>	Larry Thomas, 3327 Lunceford St. Montgomery, AL 36108 (334) 240-0967
<b>BUSINESS ADDRESS AND TELEPHONE NUMBER</b>	Central Alabama Veterans Health Care System (West Campus) 214 Perry Hill Road Montgomery, AL 36109-3798 (334) 272-4670
<b>EMPLOYEE, FORMER EMPLOYEE OR APPLICANT</b>	Former Employee
<b>POSITION TITLE AND SERIES/GRADE</b> Title 5, Title 38 OR Hybrid T38 <b>TYPE OF APPOINTMENT:</b> Probationary; Career; Career-Cond; Temporary; or Term <b>WORK SCHEDULE:</b> Full-time or Part-time	Vista Imaging Implementation Manager GS-12 Title-5 Probationary Full-time
<b>ORGANIZATIONAL SERVICE/SECTION/ DIVISION AND TELEPHONE #</b>	Clinical Information Management (334) 272-4670
<b>NAME AND ADDRESS OF RESPONSIBLE FACILITY</b>	Same as Above

<b>Date/Initial Contact:</b> 6/1/2004	<b>Date/Initial Interview:</b> 6/2/2004
<b>Date/Rights &amp; Respon. Rec'd:</b> 6/18/2004	<b>Date/Final Interview:</b> 6/24/2004
<b>Date/Notice of Right to File:</b> 6/24/2004	<b>Date/Right to File Rec'd:</b> 7/6/2004

<b>BASIS</b>	<b>CLAIM</b>	<b>RESOLUTIONS</b>
Race (Black)	Termination During probationary.	1. Returned to work with back pay and all leave restored 2. Compensatory damages within the maximum of the law 3. No retaliation from upper management or the VISN

**Name of Representative:** None

**Attorney:** ☐ Yes ☐ No

**Representative's Address/Telephone #:**

**Did aggrieved party choose to remain anonymous?** ☐ Yes ☒ No  
**Mixed Case Issue:** ☐ Yes ☒ No  
**MSPB Filed** ☐ Yes ☒ No  
**Bargaining Unit Employee** ☐ Yes ☒ No  
**Union Grievance Filed:** ☐ Yes ☒ No  
**Was there an agreement to participate in ADR** ☐ Yes ☒ No

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**Name of Aggrieved:** Larry Thomas

**Name of Facility:** VAMC, Montgomery, AL

**Date of Initial Contact:** June 2, 2004

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**Initial Interview:** June 2, 2004

The aggrieved party's rights and responsibilities were discussed to include the aggrieved party's right to anonymity and representation, and the role of the EEO Counselor. The claim and resolution described on page 1 of this report, were presented by the aggrieved party as follows:

**Claim:** Termination During Probation

**Evidence in Support of Claim:**

Mr. Thomas feels he was discriminated against based upon race (Black), when on 5/14/2004, he was terminated. Mr. Thomas identified Mr. William Greer (Caucasian), Chief of Information Management Service, as the Responding Management Official (RMO).

**Narrative:**

Mr. Thomas claims that on May 14, 2004, after working for 361 days as the Vista Imaging Implementation Manager. Mr. Thomas contends Mr. Greer told him he was being terminated because his performance over the past year had become apparent that he lacks the necessary skills, to perform the position effectively. Mr. Thomas also contends the Mr. Greer did not discuss any issues regarding his performance prior to making a decision to terminate him.

**Responding Management Official's response to Claim:** Mr. William H. Greer (Caucasian), Chief of Information Management Service, (334) 725-2532.

On June 22, 2004, I spoke to Mr. Greer and he declined representation during our discussion.

Mr. Greer claims the aggrieved was terminated because it had become apparent that his performance over the past year had become apparent that he lacked the necessary balance of skills to successfully perform effectively in his position. Mr. Greer stated the aggrieved struggled with day to day duties pertaining to his role as the Vista System Implementation Manager. Mr. Greer also stated the aggrieved would attempt to direct or dictate how things should be done within a service. Mr. Greer contends the aggrieved had problem with his interpersonal, oral and written communication skills. Mr. Greer also contends the aggrieved's training and training documentation was of very poor quality and had to be presented to IT staff members for review prior to client presentation. Mr. Greer also stated the aggrieved had violated security by letting his son installed a Kaza File sharing program on the government laptop computer.

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**Management's response to resolution sought by aggrieved:** Mr. Greer stated the aggrieved's termination would stand.

**Summary of resolution efforts:** Mr. Greer stated the aggrieved's performance over the past year demonstrated that he lacks the necessary balance of skills to successfully perform effectively in his position.

Mediation through the Alternative Dispute Resolution (ADR) program was explained to the aggrieved party, the aggrieved did not think ADR would be effective and should not be considered.

**Jurisdiction/Procedural Acceptability Issues** The aggrieved was informed that any claims brought to an EEO counselor that occurred beyond the 45-day period for contacting an EEO Counselor might be dismissed because of untimely filing.

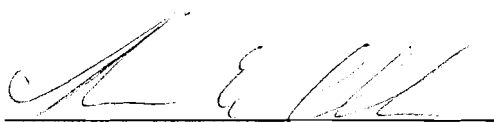
#### **FINAL INTERVIEW**

On June 24, 2004, the results of resolution efforts and the following claim were discussed with the aggrieved:

**Claim:** Terminated during probationary period.

The aggrieved was informed of the information gathered and that the claim listed above was the only claim addressed during the informal EEO counseling and, if a formal EEO Complaint of Discrimination is filed, claims not discussed with me may not be accepted for formal complaint processing.

The Notice of Right to File a Discrimination Complaint and Form 4939 were mailed on June 24, 2004.

  
Thomas E. Allen, EEO Counselor

June 24, 2004  
Date

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**Name of Aggrieved:** Larry Thomas

**Name of Facility:** VAMC, Montgomery, AL

**Date of Initial Contact:** June 2, 2004

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Documents reviewed regarding claim listed above:

1. Notice of Proposed Termination.
2. Statement from the aggrieved.
3. Statement from the RMO.
4. Report of Contact from Administrative Assistant.
5. Termination Notice.
6. Performance Appraisal.
7. SF-50-&52.
8. Position Description.
9. Questions concerning OF612, Section 13.
10. Organizational Chart.
11. Report of Contact from the aggrieved
12. Memorandum from RMO.
13. Organizational Chart.
14. Witness Statement.
15. Grammatical Errors.